

92^D CONGRESS
1ST SESSION

H. R. 1540

IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 1971

Mr. ROBINO introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the mandatory civil commitment of certain narcotic addicts, to provide for more facilities for treating, supervising, and controlling narcotic addicts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Narcotic Addict Re-
4 habilitation Act of 1971".

5 SEC. 2. The Narcotic Addict Rehabilitation Act of 1966
6 is amended by striking out the second paragraph of section
7 2 and inserting in lieu thereof the following new paragraphs:

8 "In addition, it is the policy of the Congress to estab-
9 lish a procedure under which certain persons charged with

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1 violating criminal laws, who are determined to be addicted to
2 narcotic drugs, and who are not civilly committed for con-
3 finement and treatment in lieu of prosecution, may be civilly
4 committed for confinement and treatment of their addiction
5 during the period of their criminal proceedings, and at other
6 times.

7 "It is the further policy of the Congress that certain
8 persons addicted to narcotic drugs (including those under
9 prosecution for the commission of criminal offenses) should
10 be civilly committed for treatment in order that (A) they
11 may receive medical treatment and their addiction may be
12 controlled, (B) society may be protected more effectively
13 from the crime and delinquency which results from narcotic
14 addiction, and (C) when they are returned to society they
15 may serve as useful members."

16 SEC. 3. Title III of the Narcotic Addict Rehabilitation
17 Act of 1966 is amended as follows:

18 (1) The title heading is amended to read as follows:

19 "TITLE III—CIVIL COMMITMENT".

20 (2) Section 302 is amended to read as follows:

21 "SEC. 302. (a) Except as otherwise provided in section
22 311 of this title, proceedings for the commitment of a nar-
23 cotic addict under this title may be initiated in accordance
24 with this title by:

25 "(1) A narcotic addict.

1 “(2) A related individual.

2 “(3) The Surgeon General.

3 “(4) A United States attorney.

4 “(5) A United States district court.

5 “(b) Whenever any narcotic addict desires to obtain
6 treatment for his addiction, or whenever a related individual
7 has reason to believe that any person is a narcotic addict,
8 such addict or related individual may file a petition with the
9 Surgeon General requesting that such addict or person be ad-
10 mitted to a hospital of the Service for treatment of his
11 addiction. Any such petition filed by a narcotic addict shall
12 set forth his name and address and the facts relating to his
13 addiction. Any such petition filed by a related individual
14 with respect to a person believed by such individual to be a
15 narcotic addict shall set forth the name and address of the
16 alleged narcotic addict and the facts or other data on which
17 the petitioner bases his belief that the person with respect to
18 whom the petition is filed is a narcotic addict.

19 “(c) (1) Whenever—

20 “(A) the Surgeon General determines that there is
21 reasonable cause to believe that any person is a narcotic
22 addict (whether or not such person is named in a peti-
23 tion filed with him under this section) and that appro-
24 priate State or other facilities are not available to such
25 person, or

1 “(B) a United States attorney has reason to believe
2 that any person charged with an offense against the
3 United States (other than a person who is civilly com-
4 mitted under section 2902 of title 28 of the United
5 States Code) is a narcotic addict,
6 he may file a petition with the United States district court
7 to commit such person to a hospital of the Service for treat-
8 ment as provided in this title. In the case of the Surgeon
9 General, in making his determination with respect to the
10 nonavailability of appropriate State or other facilities, he shall
11 consult with appropriate State and local officials.

12 “(2) Whenever a United States district court has reason
13 to believe that any person charged with an offense against
14 the United States (other than a person who is civilly com-
15 mitted under section 2902 of title 28 of the United States
16 Code) is a narcotic addict, such court may, on its own mo-
17 tion, initiate commitment proceedings under this title.

18 “(d) Upon the filing of any such petition by the Surgeon
19 General or a United States attorney, or acting on its own
20 motion, a United States district court may order the patient to
21 appear before it for an examination by physicians as provided
22 under section 303 of this title and for a hearing, if required,
23 under section 304 of this title. The court shall cause a copy
24 of such petition, if any, and a copy of the order to be served
25 personally upon the patient by a United States marshal.”

1 (3) Section 301 (b) is amended by inserting after “and
2 ending” the following: “or controlling and reducing”.

3 (4) Section 301 (c) is amended by striking out “a
4 United States attorney” and all that follows thereafter and
5 inserting in lieu thereof the following: “the Surgeon General
6 or a United States attorney as provided under subsection
7 (c) of section 302 of this title, or with respect to whom a
8 United States district court has initiated commitment pro-
9 ceedings under such subsection.”

10 (5) The second sentence of section 303 is amended by
11 striking out “who is likely to be rehabilitated through treat-
12 ment” and inserting in lieu thereof “who requires medical
13 treatment”, and by striking out “that for a period of three
14 years following his release” and inserting in lieu thereof
15 “that, except as otherwise ordered by the court imposing
16 sentence in the case of a patient who is convicted of a
17 criminal offense, for a period of three years following his
18 release”.

19 (6) Section 304 (a) is amended by striking out “or is
20 an addict not likely to be rehabilitated through treatment”
21 and inserting in lieu thereof “or is an addict who does not
22 require medical treatment”.

23 (7) Section 304 (a) is further amended by striking
24 out “who is likely to be rehabilitated through treatment”

1 and inserting in lieu thereof "who requires medical treat-
2 ment".

3 (8) Section 305 is amended by striking out "is likely
4 to be rehabilitated through treatment" and inserting in lieu
5 thereof "requires medical treatment".

6 (9) Section 306 is amended by striking out the period
7 and inserting in lieu thereof "for the medical treatment of
8 his addiction."

9 (10) The second sentence of section 307 (a) is amended
10 by striking out ", after considering the recommendations of
11 the Surgeon General with respect to posthospitalization
12 treatment for any such patient so returned, may" and
13 inserting in lieu thereof "shall".

14 (11) Section 307 (a) is further amended by adding
15 at the end thereof the following new sentence: "During the
16 first year of such posthospitalization program, such patient
17 shall report for care and examination as the Surgeon General
18 shall direct, but in no event less than once every week, and
19 after the first year such patient shall report as the Surgeon
20 General shall direct. If a patient fails to report under this
21 section, such failure shall be reported to the committing
22 court."

23 (12) Section 311 is amended to read as follows: "The
24 provisions of this title shall not be applicable with respect
25 to any person who is on probation or whose sentence follow-

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By Mr. RODINO

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1 ing conviction on a criminal charge, including any time on
2 parole or mandatory release, has not been fully served, except
3 that such provision shall be applicable to any such person on
4 probation, parole, or mandatory release if the authority au-
5 thorized to require his return to custody consents to his com-
6 mitment.”

7 (13) Section 312 is repealed.

8 (14) Section 316 is amended by striking out “United
9 States attorney” and inserting in lieu thereof “Surgeon Gen-
10 eral” and by striking out “section 302 (a)” and inserting
11 in lieu thereof “section 302 (b)”.

12 SEC. 4. Section 2902 (c) of title 28 of the United States
13 Code is amended by striking out the last sentence and insert-
14 ing in lieu thereof the following: “The court shall thereupon
15 resume the criminal proceeding, and the individual shall re-
16 main committed under this title pending the outcome of the
17 criminal proceeding.”

18 SEC. 5. Title IV of the Narcotic Addict Rehabilitation
19 Act of 1966 is amended by—

20 (A) inserting after “**LOCALITIES**” in the chapter
21 heading the following: “; **FACILITIES**”; and

22 (B) inserting at the end thereof the following new
23 subsection:

24 “SEC. 403. (a) The Surgeon General is authorized and
25 directed to establish and maintain inpatient and outpatient

1 medical centers as Public Health Service facilities for the
2 treatment of narcotic drug addiction. In addition, the Sur-
3 geon General is authorized and directed to certify such other
4 public or private facilities or institutions, as may be made
5 available, as inpatient or outpatient medical centers for the
6 treatment of narcotic drug addiction. All such inpatient and
7 outpatient medical centers for the treatment of narcotic drug
8 addiction shall meet such standards as the Surgeon General,
9 in his judgment, determines to be necessary to provide effec-
10 tive treatment and control of narcotic drug addiction.

11 “(b) To the extent that the Surgeon General deter-
12 mines that there are not adequate facilities or equipment for
13 the purpose of establishing medical centers for the treat-
14 ment of narcotic drug addiction, notwithstanding any other
15 provision of law, the President is authorized (on the recom-
16 mendation of the Surgeon General) to make available by
17 executive order for temporary or permanent use as such in-
18 patient or outpatient medical centers any property or facili-
19 ties under the jurisdiction of any executive agency or military
20 department.”

21 SEC. 6. Whenever the amendments made by this Act
22 refer to the Surgeon General, such reference shall be deemed
23 to be a reference to any officer to whom the functions of the

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1 Surgeon General may have been transferred by a reorga-
2 nization plan.

3 SEC. 7. This Act shall take effect three months after
4 the date of its enactment.